

PETITION -- HOUSE

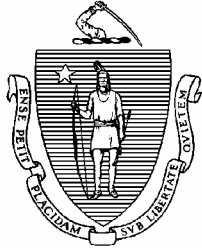
CHIEF SPONSOR:

Representative Leary of Worcester

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts
in General Court assembled.*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill or resolve.

PETITIONERS: LEGISLATOR/CITIZEN	DISTRICT/FULL MAILING ADDRESS
James B. Leary	14 th Worcester District
Thomas F. Reilly	Attorney General
Vincent A. Pedone	15 th Worcester District
John J. Binienda	17 th Worcester District
David Paul Linsky	5 th Middlesex District
Todd M. Smola	1 st Hampden District
Douglas W. Petersen	8 th Essex District
John D. Keenan	7 th Essex District
J. James Marzilli, Jr.	23 rd Middlesex District
Kathi-Anne Reinstein	16 th Suffolk District
Philip Travis	4 th Bristol District
Robert F. Fennell	10 th Essex District
Edward G. Connolly	28 th Middlesex District
Michael E. Festa	32 nd Middlesex District
Rachel Kaprielian	29 th Middlesex District
David Paul Linsky	5 th Middlesex District
Thomas J. O'Brien	12 th Plymouth
Peter J. Larkin	3 rd Berkshire
James R. Miceli	19 th Middlesex
Mary E. Grant	6 th Essex
Brian S. Dempsey	Third Essex District
Cory Atkins	14 th Middlesex
John W. Scibak	2 nd Hampshire



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND FIVE

AN ACT TO PROMOTE AND PROTECT THE COMPUTER INFRASTRUCTURE OF THE COMMONWEALTH.

Preamble: Whereas the Commonwealth's economy is and will increasingly be dependent on intellectual capital and whereas the businesses and institutions that rely on intellectual capital and their employees are highly dependent on computers and networks, including the Internet, it is crucially important to our economy that our laws protect our computer infrastructure. The intent of this bill is to enhance the existing computer crime law to further protect the corporate and individual citizens of the Commonwealth from attacks on the integrity of their computer systems. It recognizes the substantial harm done to the citizens of the Commonwealth by the propagation of malicious software such as computer viruses, worms, and spyware, as well as the harm done by other types of computer based crimes. This bill is aimed to deter and punish those who act with malicious intent, and does not encompass commonly accepted commercial or marketing practices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 266 of the General Laws is hereby amended by striking out Section 120F and inserting in its place:

Section 120F. Unauthorized Access to Computers; Penalties

A. For purposes of this section:

1. "Computer" shall mean any computer; computer network; computer system; or data, information or program stored on, operating on, or transmitted by a computer, computer network or computer system;
2. "Government" shall mean the Government of the United States, the Government of the Commonwealth of Massachusetts, and the Government of any town, city, county or other political subdivision of the Commonwealth of Massachusetts;
3. "Harass" shall mean to willfully and maliciously engage in an act directed at a specific person or persons, which act seriously alarms or annoys such person or persons and would cause a reasonable person to suffer substantial emotional distress; and

4. "Electronic" communication device@ shall mean a telephone, facsimile machine, computer, computer network, computer system, or any other device used to transfer or transmit signs, signals, writings, images, sounds, data or intelligence of any nature in whole or in part by a wire, cable, radio, electromagnetic, photo electric or photo-optical system.

B. Whoever uses an electronic communication device to:

5. knowingly access a computer, directly or indirectly, without authorization or after using an electronic communication device to access a computer directly or indirectly, knowingly exceeds authorized access, with the intention of, or in reckless disregard of the risk of causing a substantial threat to the health or safety of one or more persons; or
6. knowingly access a computer, directly or indirectly, without authorization or after using an electronic communication device to access a computer directly or indirectly, knowingly exceeds authorized access, with the intent to:
 1. defraud, commit larceny, or extort money or other thing of value;
 2. damage, destroy, disrupt or deny access to or use of, any computer;
 3. obtain information for financial gain or commercial advantage;
 4. obtain information about the medical or mental health history, condition or treatment of one or more persons;
 5. obtain information about the financial history, condition, or transactions of any person, business, corporation or other entity;
 6. harass another person or his family; or
7. knowingly access a computer, directly or indirectly, and without authority that the person knows or reasonably should know is owned or primarily used by any division, bureau, agency, department or subdivision of the Government, or after using an electronic communication device knowingly to access a computer directly or indirectly that the person knows or reasonably should know is owned or primarily used by any division, bureau, agency, department or subdivision of the Government intentionally exceeds authorized access; or
8. knowingly transmits or causes the transmission of a program, information, code or command to a computer with the intent to damage or destroy any computer without authorization, or with the intent to disrupt or deny access to or use of any computer without authorization shall be imprisoned in the state prison for not more than 10 years or in the house of correction for not more than 2 1/2 years, or by a fine of not more than \$10,000, or by both imprisonment and fine.

C. A person who uses an electronic communication device to knowingly access a computer, directly or indirectly, without authorization or after using an electronic communication device to access a computer directly or indirectly, knowingly exceeds authorized access, shall be

imprisoned in the in the house of correction for not more than 21/2 years, or by a fine of not more than \$2,500, or by both imprisonment and fine.

SECTION 2. Chapter 277 of the General Laws is hereby amended by striking out Section 58A1/2 and inserting in its place:

Section 58A1/2: Computer Offenses; place of prosecution:

The crimes described in sections thirty-three A and one hundred and twenty F of chapter two hundred and sixty-six and section one hundred and twenty-seven of said chapter two hundred and sixty-six may be prosecuted and punished in any county where the defendant was physically located at the time of the violation, where the computer or data that is accessed, disrupted, damaged or destroyed is located, where the computer to which access is denied or disrupted is located, or where any sort of remote access device used by the defendant to access a computer or deny or disrupt access to a computer is physically located.